



April 25, 2007

Chairman Patrick Leahy
Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 20510
Attn: Susan Davies

Chairman Howard Berman, Chair
House Courts, the Internet and Intellectual Property
Subcommittee
352 Rayburn House Office Building
Washington, DC 20515
Attn: Shana Winters

Senator Orrin Hatch
104 Hart Senate Office Building
Washington, DC 20510
Attn: Matt Sangren

Congressman Lamar Smith
2409 Rayburn House Office Building
Washington, DC 20515
Attn: Blaine Merritt

Re: Support for S. 1145/H.R. 1908

Dear Chairman Leahy, Chairman Berman, Senator Hatch, and Congressman Smith:

The Internet Commerce Coalition writes to thank you all for your leadership and hard work on patent reform, and to express our support for S. 1145/H.R. 1908 as introduced.

Our members believe that reforming patent law to provide greater predictability and fairness in patent litigation and patent damage awards is extremely important, and we look forward to working with you on these issues as the bill progresses.

In particular, we would like to express our strong support for the language in the bills that addresses apportionment of damages. Apportionment is a critical feature of patent reform that will help avoid gross distortions in litigation awards and settlements. Companies and individuals should not be forced to pay a royalty on the value of an entire product, when the patent infringed covers only a small feature of that product. At the same time the apportionment language in the bills strikes the right balance by reinvigorating current damages law by codifying the entire market value rule, clarifying that the rule applies where the patent's specific contribution is the predominant basis for market demand, and by allowing courts to consider multiple factors in setting damages.

Thank you again for your important work. Please let us know if we can be helpful to you in any way.

Sincerely,
Jim Halpert
General Counsel
202.861.3938